

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 17, 2009

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Poindexter.

Marc Carmichael was present as an observer.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the February 3, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the February 17, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred fifty-four (354) renewals approved, forty-four (44) new and/or transfer permits approved, three (3) permits approved for catering, ten (10) permits approved for first year escrow, three (3) permits approved for second year escrow, and one (1) permit approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RC48-03249 IDLEWOLD GOLF & COUNTRY CLUB - Commissioner Guthrie stated this permit is currently a type 211-3 permit, whose location was annexed into the city limits and now qualifies to be converted to a type 211-1 permit. Also, the permittee would like to convert the type 211-1 to a type 210 and transfer the permit.

Commissioner Guthrie moved to approve the conversion from a type 211-3 permit to a type 211-1 permit, and also the conversion from a type 211-1 permit to a type 210 permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-00855 ROXANNE, INC. - Commissioner Guthrie noted this permittee was involved in a lawsuit. The Commission ordered a stay of the administrative proceedings. Pursuant to the Stay, the permit was placed into escrow pending resolution of the criminal case. The criminal case is settled and a transfer of stock was filed. The permittee requests the Commission lift the stay and allow the transfer to proceed.

Commissioner Guthrie moved to lift the stay. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-25514 KJ PETROLEUM, INC., D/B/A BS FOOD MART – Chairman Huskey noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-24021 MAC'S CONVENIENCE STORES, LLC, D/B/A CIRCLE K – Chairman Huskey noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR18-18190 HINEE'S, INC. – Chairman Huskey noted this is a type 209 renewal with the local board voting four (4) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR02-22196 LOREN FIFER – Chairman Huskey noted this permittee is requesting a conversion from a type 209 permit to a type 210 permit, due to the location of the business being annexed into the city limits.

Commissioner Guthrie moved to deny this request because the permittee does not qualify under IC 7.1-3-22-3. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR02-19395 MARK'S LAST RESTAURANT, INC. - Chairman Huskey noted this permittee is requesting a conversion from a type 209 permit to a type 210 permit, due to the location of the business being annexed into the city limits.

Commissioner Guthrie moved to deny this request because the permittee does not qualify under IC 7.1-3-22-3. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make six (6) permits inactive. All permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated 18 permittees were sent notice to appear before the Commission on this date, or the permit would be revoked. None of the permittees appeared at the meeting.

Commissioner Guthrie moved to revoke 18 permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

APPOINTMENT OF HEARING JUDGES – Vice Chairman Johnson moved to appoint Commissioner Guthrie and himself as hearing judges, until such time as an executive secretary is appointed. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### TYPE II GAMING RULE APPROVAL –

Commissioner Guthrie -Based on public comments, the Commission considered and changed certain items from the proposed rule. (1) The definition of

carryover jackpot was deleted because it is no longer used anywhere in the rule. (2) The definition for Seal Card was deleted because it is not used anywhere in the rule. (3) A definition for Daily Drawing was added. (4) A definition for Weekly Drawing was added. (5) A definition for Monthly Drawing was added. (6) The provision requiring retailers to use a transparent container or dispensing device was deleted. (7) A provision was added for allowing storage of extra tickets in a storage component of a dispensing device. (8) Added a requirement that once a game is removed from play, the game shall be deemed dead and play may never be commenced again. (9) Added a provision allowing a retailer to purchase tickets for the sole purpose of closing out a game permanently. (10) Added a requirement that once a game is closed, the retailer shall post the date by which all winning tickets shall be redeemed. (11) Deleted the provision allowing carry over of daily and weekly drawings. Those changes, having been proposed, I move that we adopt the final rule concerning type II gaming. That would be document #08-523 (F).

Comm. Sturtz	Second.
Chair. Huskey	All those in favor?
Guthrie	Aye.
Comm. Johnson	Aye.
Sturtz	Aye.
Huskey	Aye. Motion carries.

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

INTRODUCTION OF NEW CHAIRMAN – Chairman Huskey introduced Tom Snow, the new chairman of the Alcohol and Tobacco Commission. He stated Mr. Snow will officially begin his duties on March 16, 2009.

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER